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St. Louis, Missouri 63102

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**MAY 15 2008**

**OFFICE OF PETITIONS**

In re Application of  
Lewis et al.  
Application No. 10/722,288  
Patent No. 7,187,083  
Filed: November 25, 2003  
Attorney Docket CEDA 7000.5

DECISION GRANTING PETITION

This decision is in response to Applicants' "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT PURSUANT TO 37 CFR 1.705(d)" timely<sup>1</sup> filed on April 12, 2007, requesting that the Patent Term Adjustment be adjusted from 256 days to a determination of 296 days.

Applicants' petition is **GRANTED**. The Office will *sua sponte* issue a certificate of correction reflecting an adjustment of 296 days rather than the 256 day amount printed on the front of the patent. In addition, the Office will adjust the PTA calculation displayed in PAIR to reflect this decision.

Applicants argue that the Office erred in asserting an applicant delay of forty (40) days for the submission of the letter January 26, 2007 requesting the previously paid issue fee be reapplied to the new notice of allowance. Applicants assert that the submission of such letter should not be considered a failure to engage in reasonable efforts to conclude prosecution under 37 CFR 1.704(c)(10).

Applicants' arguments are persuasive. The Office will not assess a reduction in patent term adjustment under the circumstances. It is noted that there is no need for applicants to continue such practice because the return of the PTOL-85 (Part B) is an express request by applicants to have the previously paid issue fee apply to the new notice of allowance. Accordingly, the forty (40) day reduction for the submission of such letter will be removed. Applicants should cease and desist from sending this letter along with the return of PTOL-85(Part B) form..

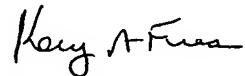
After review of this decision, this patented file will be forwarded to the certificate of correction branch for a prompt issuance of a certificate of correction.

<sup>1</sup>Patent issue date March 6, 2007.

Application No.10/000,859

The Office has assessed the \$200.00 (petition) to deposit account 50-0591. No additional fees are required in determining this decision

Any questions concerning the issuance of this patent should be directed to Kery A. Fries, Office of Patent Legal Administration, Office of Deputy Commissioner for Patent Examination Policy at 571-272-7757



Kery Fries  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of Deputy Commissioner  
for Patent Examination Policy

cc: Adjusted Pair Calculation  
Draft Certificate of Correction

Day : Thursday  
Date: 5/15/2008

Time: 10:33:51

**PALM INTRANET**

PTA Calculations for Application: 10/722288			
Application Filing Date:	11/25/2003	PTO Delay (PTO):	322
Issue Date of Patent:	03/06/2007	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	66
Post-Issue Petitions:	0	Total PTA (days):	296
PTO Delay Adjustment:	40		

File Contents History						
Number	Date	Contents Description	PTO	APPL	START	
66	05/15/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	40			
58.5	02/14/2007	PTA 36 MONTHS				
58	03/06/2007	PATENT ISSUE DATE USED IN PTA CALCULATION				
57	01/26/2007	ISSUE FEE PAYMENT RECEIVED				
55	02/01/2007	EXPORT TO FINAL DATA CAPTURE				
54	01/31/2007	DISPATCH TO FDC				
53	01/26/2007	MISCELLANEOUS INCOMING LETTER		40		
52	01/29/2007	APPLICATION IS CONSIDERED READY FOR ISSUE				
51	01/26/2007	ISSUE FEE PAYMENT VERIFIED				
50	12/18/2006	EXPORT TO INITIAL DATA CAPTURE				
49	12/14/2006	MAIL NOTICE OF ALLOWANCE				
48	12/08/2006	ISSUE REVISION COMPLETED				
47	12/08/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED				
46	12/07/2006	NOTICE OF ALLOWABILITY				
45	11/29/2006	DATE FORWARDED TO EXAMINER				
44	11/20/2006	RESPONSE AFTER NON-FINAL ACTION				
43	08/25/2006	MAIL NON-FINAL REJECTION				
42	08/21/2006	NON-FINAL REJECTION				
41	06/16/2006	FINISHED INITIAL DATA CAPTURE				
40	06/12/2006	DATE FORWARDED TO EXAMINER				
39	06/12/2006	WITHDRAWAL OF NOTICE OF ALLOWANCE				
38	03/31/2006	EXPORT TO INITIAL DATA CAPTURE				
37	03/28/2006	MAIL NOTICE OF ALLOWANCE				
36	03/24/2006	ISSUE REVISION COMPLETED				

35	03/24/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
34	03/24/2006	CASE DOCKETED TO EXAMINER IN GAU			
33	03/23/2006	NOTICE OF ALLOWABILITY			
32	03/22/2006	DATE FORWARDED TO EXAMINER			
31	03/13/2006	RESPONSE AFTER NON-FINAL ACTION			
30	12/13/2005	MAIL NON-FINAL REJECTION	322		-1
29	12/12/2005	NON-FINAL REJECTION			
28	10/18/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
27	07/01/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
26	06/21/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
25	02/26/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
24	11/28/2005	CASE DOCKETED TO EXAMINER IN GAU			
23	10/18/2005	REFERENCE CAPTURE ON IDS			
22	10/18/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
21	10/18/2005	PRELIMINARY AMENDMENT			
20	07/28/2005	CASE DOCKETED TO EXAMINER IN GAU			
19	07/27/2004	REFERENCE CAPTURE ON IDS			
18	07/01/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
17	07/16/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
16	07/16/2004	CASE DOCKETED TO EXAMINER IN GAU			
15	06/21/2004	REFERENCE CAPTURE ON IDS			
14	06/21/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	02/26/2004	REFERENCE CAPTURE ON IDS			
12	02/26/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	07/08/2004	APPLICATION RETURN FROM OIPE			
10	07/08/2004	APPLICATION RETURN TO OIPE			
9	07/08/2004	APPLICATION DISPATCHED FROM OIPE			
8	07/08/2004	APPLICATION IS NOW COMPLETE			
7	06/21/2004	ADDITIONAL APPLICATION FILING FEES		26	5
		A STATEMENT BY ONE OR MORE INVENTORS			

6	06/21/2004	SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
5	02/26/2004	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
4	02/06/2004	CLEARED BY OIPE CSR			
3	02/06/2004	CASE CLASSIFIED BY OIPE			
2	12/24/2003	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	11/25/2003	INITIAL EXAM TEAM NN			

Search Another: Application#

#### EXPLANATION OF PTA CALCULATION

#### EXPLANATION OF PTE CALCULATION

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UNITED STATES PATENT AND TRADEMARK OFFICE  
**DRAFT CERTIFICATE OF CORRECTION**

PATENT : 7,187,083 B2  
DATED : March 7, 2007  
INVENTOR(S) : Lewis et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (256) days

Delete the phrase "by 256 days" and insert -- by 296 days--

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**DRAFT CERTIFICATE OF CORRECTION**

PATENT : 7,187,083 B2

DATED : March 6, 2007

INVENTOR(S) : Lewis et al.

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[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (256) days

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